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| Permits Committee –  Report to BACWA Board | Permits Committee Meeting on: 9/8/15  Executive Board Meeting Date: 9/25/15  Committee Chair: Amanda Roa |

**Committee Request for Board Action: None**

**Attendees:**

**22 attendees representing 15 member agencies (Regional Water Board Staff in attendance)**

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| **Adoption of Permits/Permit Amendments:**  **December** – *St. Helena –* Their permit adoption got pushed from October to December. They are reportedly happy with their Administrative Draft. |
| **Regional Water Board staff report-out**   * Claudia Villacorta, Collections System Supervisor, is moving to Region 1. Her replacement will be Mary Boyd from Region 5. Lila would like to bring Mary to the next BACWA Collections Systems meeting to introduce her to the group. * Permittees will no longer be required to report on biosolids to the Regional Water Board. The removal of the requirement will happen as permits get reissued. * The EPA is restarting their Significant Noncompliance List. EPA does not agree that an MMP is sufficient enforcement for a pollutant that is in violation consistently over a six-month period. They want to see evidence of correction. The Significant Noncompliance designation is assigned automatically after an ECHO database query. Since data may be erroneously entered, Region 2 will first make a phone call to ensure the accuracy of the designation before investigating further enforcement actions. Lorien will review CIWQS and the ECHO database to see if any member agencies are in danger of being on the Significant Noncompliance List. |
| **North Bay Selenium TMDL**  In the draft TMDL, POTWs are given waste load allocations that are equal to their current loads (based on 2008-2013 data). POTWs are not given selenium effluent limits. During permit reissuance, North Bay POTWs will be required to calculate their annual loads and ensure they have not exceeded their wasteload allocation. Comments on the draft TMDL were due September 8. BACWA provided a [comment letter](http://bacwa.org/document/north-bay-selenium-tmdl-comment-letter-09-08-15/) recommending a small change in language recognizing the variability in selenium data used to calculate wasteload allocations. |
| **HDR Presentation on Nutrient Annual Report**  Holly Kennedy and Mike Falk from HDR [presented](http://bacwa.org/?p=3425) their efforts on putting together the first Nutrient Annual Report. The data gaps they had been seeing in the CIWQS data were almost filled and they were contacting individual agencies to get the remainder of the data. Besides inconsistencies in how data was entered, there was also some trouble looking at multiple outfalls in CIWQS as well as in how the CIWQS data failed to account for recycled water flows. There was a discussion in committee on trends and how difficult it is to identify trends with only three years of data to work with. Additionally, the data for the two years under the 13267 letter were collected differently (i.e., different analytical methods, requirements to monitor during wet weather) so the first year under the new permit term is not necessarily comparable. HDR will look at the data and identify and explain obvious features, but won’t necessarily get too involved in statistical identification of trends. |
| **Toxicity**   * + CASA obtained a copy of the [latest draft of the Toxicity Plan](http://bacwa.org/?p=3407) through the freedom of information act. CASA hosted a conference call for POTW representatives to discuss the potential response to this draft. Upon review, the draft has incorporated many of BACWA’s comments, including language discouraging acute toxicity testing, encouragement to use the real instream waste concentration, and a monitoring offramp for agencies that do not see toxicity. The draft does not address a protocol to invalidate faulty test results. Therefore, CASA will not support this version of the draft. LACSD has retained a toxicity expert to write up a draft SOP for toxicity testing that can be used as a basis for a future State expert panel to codify statistical test validation.   + The committee discussed the possibility of ending sensitive species screening and having every agency use the same species, for the sake of consistency and cost savings ($30K per cycle). Lorien will follow up with Pacific Ecorisk Labs. |
| **Revised Recycled Water General Order**  The new [Recycled Water General Order Administrative Draft](http://bacwa.org/?p=3409) has only administrative changes compared to the 2014 version. WateReuse is collecting comments on the Order, but BACWA members can send their comments to either Cheryl Munoz or Amanda Roa. Under this permit the Regional Water Board will continue to allow dischargers already permitted under 96-011 to continue as such, but any new project or expansion of a project beyond permitted capacity would require coverage under the new permit. The State Water Board is pressuring Regional Water boards to begin using the new permit, but there are ways to alleviate some of the work involved with the new permit compared to 96-011. An example is to issue agronomic rates guidance so that each project does not need to develop it on their own. The permit is intended for adoption in January 2016. |
| **Sufficiently Sensitive Methods**  The new EPA rule requires that where available, methods should be selected which have minimum levels below the permits limit. Methods need to be approved by EPA. New language about sufficiently sensitive methods appeared in the Orinda filter plant permit. |
| **Report-out from 8/14 Executive Board Meetings**   * The consultant team gave a [presentation](http://bacwa.org/?p=3393) on the Optimization and Upgrade Studies and the Annual Report * Rhodora Biagtan gave a [presentation](http://bacwa.org/wp-content/uploads/2015/08/DSRSD-Fill-Er-Up-Presentation-to-BACWA-August-2015.pdf) on DSRSD’s residential fill station program. |
| **Announcements**   * [NWRI Direct Potable Reuse in California Specialty Seminar](http://www.nwri-usa.org/pdfs/0-DPR-Specialty-Seminar-Agenda-Final-9_23_2015.pdf), Sept 23 * BACWA Annual Members Meeting, January 15 * [Nominations](http://bacwa.org/wp-content/uploads/2015/08/Arleen-Navarret-Biennial-Award-Nomination-Form-2016-Award.pdf) for Arleen Navarret Award due November 13 * [State of the Estuary](http://www.sfestuary.org/soe/) Sept 17/18 |
| **SB 163**  To be pursued when the legislature returns in January: (<http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0151-0200/sb_163_bill_20150903_amended_asm_v97.pdf>)   * Declares that treated ocean wastewater discharge from outfalls is a “waste” and unreasonable use under the CA Constitution, unless in compliance with this bill’s provisions. * Requires that each facility discharging to the ocean achieve at least 50% of reuse by 2026. * After 2036 prohibits discharging wastewater to the ocean, except as a “backup discharge” as defined. * Requires by 2036 100% reuse of the ocean discharged wastewater to beneficial uses * Requires NPDES holders for ocean discharges to submit a detailed plan to the SWRCB on how they will meet the requirements of the bill, including costs * Allows permit holders by 2022 to petition the SWRCB for a partial exemption for five years if the permit holder can demonstrate that they can’t meet the requirements of the bill. * Failure of the SWRBC to adopt IPR regulations (they probably mean DPR) is cited as one of the reasons for a partial exemption. |
| **Next BACWA Permits Committee Meeting:** Tuesday, October 13, 2015, at EBMUD Plant Library. |